THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 13th September, 2006

W.P.No.10811 of 2004

Between:

T. Padmamma … Petitioner

and

The Revenue Divisional Officer, Nellore,
Nellore district … Respondent

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.10811 of 2004

ORAL ORDER:

Heard both sides.

It appears that the petitioner's authorization for the fair price shop of Chavatapalem-I village, Venkatachalam Mandal of Nellore district was suspended by an Order dated 20-12-1998. The complaint of the petitioner that without passing any final orders, the respondent has issued a notification dated 25-5-2004 for the purpose of filling up of the vacancy of fair price shop dealer of Chavatapalem-I village on permanent basis.

Now, the learned Government Pleader, on instructions, submits that it is not true to say that the respondent did not pass any final orders on the suspension of the authorization of the petitioner's fair price shop, after finalization of the proceedings under Section 6-A of the Essential Commodities Act before the Joint Collector, Nellore. In fact, a show cause notice was issued to the petitioner in Proceedings Rc.No.3329/98, dated 28-6-2001 for the irregularities committed by her. She neither offered her explanation nor applied for restoration of authorization till January,2004. It seems, she has no interest to run the fair price shop and did not apply for restoration of authorization even after three years of finalization of the case under Section 6-A of the Act; hence, her authorization was cancelled by an Order dated 8-1-2004. Further, as the petitioner refused to acknowledge the cancellation orders, substitute service was made by

affixing the notice to the house of the petitioner.

In view of the above, it cannot be said that the authorities have not passed final orders cancelling the authorization of the petitioner. Therefore, nothing remains to be adjudicated upon in the Writ Petition.

Learned counsel for the petitioner states that the order of cancellation of authorization was never served on the petitioner – may be so. Therefore, the respondent is directed to serve a copy of the cancellation order dated 8-1-2004 on the petitioner to enable her to file a statutory appeal, as available under law.

Accordingly, the Writ Petition is disposed of. No costs.

13-9-2006

prk